

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, March 5, 1901.*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 236, being a bill to be entitled "An Act to amend Section 6 of an act entitled 'An Act to define and regulate fraternal beneficiary societies, orders or associations; to prescribe the terms and conditions on which such societies organized under the laws of other States or those doing business in any other State may be permitted to do business in Texas, and to define the duties of the Commissioner of Insurance in this State in relation thereto; providing for the incorporation of societies,' being Chapter 115 of the General Laws passed by the Twenty-sixth Legislature at its Regular Session, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 15, being "An Act to provide for the selection or appointment of special judges in condemnation proceedings, as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified,"

And find the same correctly enrolled, and have this day, at 12:15 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

## ADJOURNMENT.

Senator Miller moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

Senator Lipscomb moved to recess until 3 o'clock p. m. today.

Action being on the longest time first, the motion of Senator Miller prevailed, and accordingly the Senate, at 12:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, March 6, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—28.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent—2.

McGee. Turner.

Absent—Excused.

Grinnan.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Johnson, the same was dispensed with.

## EXCUSED.

On motion of Senator Wheeler, Senator James was excused for non-attendance upon the Senate yesterday on account of important business.

## PETITIONS AND MEMORIALS.

Senator Harris of Hunt presented a petition from the citizens of Clinton, Texas, asking the passage of a bill regulating the sale of alcoholic stimulants on prescription in local option precincts.

Read, and referred to Committee on State Affairs.

Senator Harris of Hunt presented a petition from the citizens of Clinton, Texas, asking the passage of the bill creating a girls' industrial school, leaving the location of same to the board of regents of said institution, and especially asking that it be not made an annex to the Agricultural and Mechanical College.

Read, and referred to Committee on State Affairs.

Senator Swann presented the following:

Waco, Texas, March 5, 1901.

*Hon. J. J. Swann, Austin, Texas.*

DEAR SIR: At a meeting of our body last night the enclosed resolution was unanimously adopted, and I was ordered to send you a copy and request you to do all you can to prevent any such bills as referred to from becoming a law. Hoping you will be successful, we are,

Yours truly,

WACO CENTRAL LABOR COUNCIL.

D. M. SIMMONS,

Recording Secretary,

212 Webster street.

#### RESOLUTION BY CHAS. G. DAVIDSON.

Whereas, We believe compulsory arbitration in any form to be a menace to the working people; and,

Whereas, We believe the true solution to the strike question is through organization, and not compulsory arbitration. Be it

Resolved, That the Waco Central Labor Council is opposed to compulsory arbitration in any form; and be it further

Resolved, That a copy of these resolutions be forwarded to our respected representatives in Austin.

Senator Lipscomb presented two petitions from members of the Brazoria county bar, requesting the passage of the bill removing the Court of Civil Appeals from Galveston to Houston, Texas.

The Chair laid before the Senate and had read the following memorial:

At the regular session of the Ministerial Association, March 4, 1901, the following resolution was unanimously adopted:

Whereas, The Ministerial Association several years ago passed a resolution requesting the Legislature to pass a law that would prevent the foreign lottery corporations from doing business in this State by agencies, signs or orders. That it is a source of fraud, official and political corruption and demoralization; also a financial injury to the legitimate business of the State. We now reaffirm our action of that date, and would recommend to the present Legislature the careful consideration of the anti-lottery bill now before them. And also would suggest to the citizens of the State to take into consideration this great evil, and instruct their representatives in regard to same.

(Signed) C. POLK GOODSON,  
Secretary Ministerial Association.

Senator Yett presented the following numerously signed petition:

Austin, Texas, March 5, 1901.

*To Honorable W. D. Yett.*

DEAR SIR: We, the undersigned colored citizens of Travis county, State of Texas, do hereby petition you to use your good offices in securing from the Twenty-seventh Legislature, now in session at Austin, appropriations for the following purposes for the betterment of the work of the Prairie View State Normal and Industrial College of Texas:

First, an appropriation of \$12,500 for a building for the mechanical and agricultural industries, such as carpentry, general blacksmithing, horse shoeing, general repairs, painting, mechanical drawing, broom making, mattress making, shoe repairing and dairying.

Second, an appropriation of \$2,500 for a building for the female industries, such as sewing, dress making, millinery, cooking and laundering.

Third, an appropriation of \$2,500 per year for the next two years to establish a college department and inaugurate a college course of classical and scientific studies, said appropriation to receive such additional appropriation by successive Legislatures as the growth of such college department shall warrant.

#### MOTION TO RECONSIDER SPREAD ON THE JOURNAL—BY SENATOR WILSON.

Senator Wilson made a motion to reconsider the vote by which the Senate on yesterday adopted a resolution with reference to officers and employes of the Senate (see Journal of yesterday, page 367), and asked that said motion be spread on the Journal.

#### COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 194, being a bill to be entitled "An Act to establish a State Board of Embalming; defining the duties thereof; to provide for the better protection of health and life; to prevent the spread of contagious diseases; to regulate the practice of embalming; to provide a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do* pass.

LLOYD, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 137, being a bill to be entitled "An Act to amend Title LVIII of the Revised Civil Statutes, relating to the subject of insurance, by adding thereto Chapter 5, embracing Articles 3096aa, 3096bb, 3096dd and 3096ee, providing that no insurance contract shall be held void because of immaterial misrepresentations made in the application therefor, or in the contract of insurance, and providing conditions upon which a defense may be made upon the ground of misrepresentation in the applications, or in the contract, or in proof of death or loss, and making such contracts subject to the laws of this State; and prescribing conditions upon which foreign insurance corporations shall be permitted to do business in this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass with the following amendments:

"Amend the bill by striking out the word 'and,' in line 4, page 2, between the words 'risk' and 'actually,' and insert in lieu thereof the word 'or.'

"Amend by striking out Article 3096bb of the bill and numbering the subsequent articles accordingly.

"Amend by striking out all of Article 3096eee.

"Amend by striking out all of amendment 2.

"Amend by striking out all of Section 2 in amendment.

"Amend the bill by adding at the end of Section 1 the following: 'The provisions of this act shall not apply to policies of insurance in which there is a clause making the policy indisputable after one year, provided premiums are duly paid.'"

STAFFORD, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: A minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 137, being a bill to be entitled "An Act to amend Title LVIII of the Revised Civil Statutes, relating to the subject of insurance, by adding thereto Chapter 5, embracing Articles 3096aa, 3096bb, 3096dd and 3096ee, providing that no insurance contract shall be held void because of immaterial misrepresentations made in the applications therefor, or in the contract of insurance, and providing conditions upon which a defense may be made upon the ground of misrepresentation in the applications, or in the contract, or in proof of death or loss, and making such contracts subject to the laws of this State; and prescribing conditions upon which foreign insurance corporations shall be permitted to do business in this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass with the following amendments:

"Amend the bill by striking out the word 'and,' in line 4, page 2, between the words 'risk' and 'actually,' and insert in lieu thereof the word 'or.'

"Amend by striking out Article 3096bb of the bill, and numbering the subsequent articles accordingly.

"Amend by striking out all of Article 3096eee.

"Amend by striking out all of amendment 2.

"Amend by striking out all of Section 2 in amendment 1.

"Amend the bill by adding at the end of Section 1 the following: 'The provisions of this act shall not apply to policies of insurance in which there is a clause making the policy indisputable after one year, provided premiums are duly paid.'"

HANGER.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 171, being a bill to be entitled "An Act to amend Article 2333 of the Revised Civil Statutes of 1895, relating to the issuance of process on judgments,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 210, being a bill to be entitled "An Act to permit owners of real estate sold to the State of Texas for taxes to redeem the same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 226, being a bill to be entitled "An Act to amend Subdivision 39, of Article 642, of Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with the following amendment:

"Amend line 2, of Section 1, of the bill by adding after the word 'amended' and before the word 'be' the following, which reads as follows: 'The establishment of land companies to buy, own, sell and convey real estate in any State or foreign country; but such company shall only own such real estate in this State as may be necessary for its office.'"

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 216, being a bill to be entitled "An Act to amend Articles 3099, 3103, 3104, 3105, of Title LIX, of the Revised Civil Statutes of Texas, adopted in 1895, reducing the conventional rate of interest from ten to eight per cent. per annum,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ODELL, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 218, being a bill to be entitled "An Act requiring railroads to provide suitable equipped flat cars for the shipment of lumber and timber; to furnish such cars when requested so to do to shippers, and on a failure so to do authorizing the shipper to suitably equip such cars as are furnished and to recover the value of such equipment before any court of competent jurisdiction in this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ODELL, Chairman.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 235, being a bill to be entitled "An Act to amend Article 402, of Title II, of the Penal Code of the State of Texas, relating to the selling of intoxicating liquor in prohibited districts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with the following amendment:

"By striking out all after the words 'sixty days' and adding in lieu thereof 'and when orders are solicited for intoxicating liquor in any territory where the sale of intoxicating liquor is prohibited by law and said order afterwards filled and intoxicating liquor shipped or taken into said prohibited territory, then the sale shall be deemed to have been made at the place where the said order was solicited and accepted and where orders are forwarded by a third person for the benefit of another and said third person afterwards delivers or procures the delivery of intoxicating liquor on said order said person shall be deemed to be the agent of the vendor and common carriers who collect any part of the purchase price for said intoxicating liquor in the prohibited territory said common carrier shall be deemed to be the agent of the vendor and the sale shall be construed to have been made at the point of destination of said intoxicating liquors.'"

ODELL, Chairman.

## MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 178, being a bill to be entitled "An Act to amend Title XV, Chapter 3, Article 1109, of the Code of Criminal Procedure, relating to costs paid by counties to county judges,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

ODELL, Chairman.

## MINORITY REPORT.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: A minority of your Committee on State Affairs, to whom was referred

Senate bill No. 178, being a bill to be entitled "An Act to amend Title XV, Chapter 3, Article 1109, of the Code of Criminal Procedure, relating to costs paid by counties to county judges,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

MILLER.

Committee Room,  
Austin, Texas, March 5, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 221, being a bill to be entitled "An Act to amend Article 5243k, Chapter 9, Title CIV, of the Revised Civil Statutes of the State of Texas, 1895, relating to the franchise tax of corporations,"

And find the same correctly engrossed.

BEATY, Chairman.

## BILLS AND RESOLUTIONS.

By Senators Harris of Hunt and Davidson of Galveston:

Senate bill No. 240, A bill to be entitled "An Act for the relief of the heirs of William S. Hall, and making an appropriation to pay said heirs an obligation due from the late Republic of Texas to said William S. Hall, and declaring an emergency."

Read first time, and referred to Com-

mittee on Public Debts, Claims and Accounts.

By Senator Paulus:

Senate bill No. 241, A bill to be entitled "An Act to empower district and county judges to authorize administrators, executors, guardians and receivers in probate who give bonds with corporations as surety or sureties to charge in certain cases the whole or part of the premium for said bonds to the estate, and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Goss:

Senate bill No. 242, A bill to be entitled "An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Turney:

Senate bill No. 243, A bill to be entitled "An Act to restore to and confer upon the county courts of Coke and Kimble counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as it relates to Coke and Kimble counties."

Read first time, and referred to Committee on Judicial Districts.

By Senator James:

Senate bill No. 244, A bill to be entitled "An Act to protect the public grounds of the State of Texas."

Read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Yett:

Senate bill No. 245, A bill to be entitled "An Act to authorize the sale of the north half of Block No. 124, in the city of Austin, to the Masonic Grand Lodge of Texas."

Read first time, and referred to Committee on Finance.

By Senator Goss:

Senate bill No. 246, A bill to be entitled "An Act to repeal Section 4, and to amend Sections 3, 5, 6 and 7 of 'An Act to define the permanent school fund of the State of Texas; to partition the public lands between said fund and the State, and to adjust the account between said fund and said State; to set apart and appropriate to said school fund in part payment of said account a residue of the public domain of said State to

which the said fund is entitled under Section 2, Article 7, of the Constitution, as adopted April 17, 1876; to appropriate the sum of seventeen thousand, one hundred and eighty and twenty-seven one-hundredths dollars of the permanent school fund from the general revenue not otherwise appropriated in full payment of the balance due to said fund by the State of Texas under the Constitution of 1876; to provide for the survey, purchase and lease of said land and the issuance of patents in certain cases; and providing for suit in Travis county against any person claiming any of the lands belonging to the school fund or any other funds,' passed at the First Called Session of the Twenty-sixth Legislature, and approved February 22, 1900."

Read first time, and referred to Committee on Public Lands and Land Office.

The Chair here declared the morning call concluded.

#### FIRST HOUSE MESSAGE.

The following first House message was delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 413, A bill to be entitled "An Act to reorganize the Fourth Judicial District of Texas, and to designate the counties which compose the same, and to transfer the county of Gregg from the Seventh Judicial District of Texas to the Fourth Judicial District; to prescribe the time for holding the district courts therein; to validate all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said court as fixed by this act, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 447, A bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county, and to prescribe the time for holding the same."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN THE SENATE.

The Chair here had read and referred the foregoing House bills as follows:

House bill No. 447 to Committee on Judicial Districts.

22—Senate.

House bill No. 413 to Committee on Judicial Districts.

#### SECOND HOUSE MESSAGE.

The following second House message was delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 86, A bill to be entitled "An Act to amend an act passed by the First Called Session of the Twenty-fifth Legislature in the year 1897, entitled 'An Act to amend Article 5051 of the Revised Civil Statutes of 1895, relating to county warrants and the payment of taxes, and to repeal all laws in conflict herewith.'"

Also House bill No. 49, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas entitled 'An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate States, a land certificate for twelve hundred and eighty acres of land,' approved April 9, 1881, and to validate such locations and surveys."

Also House bill No. 309, A bill to be entitled "An Act to ascertain and adjudicate, by suit against or by the State, certain claims against or in favor of the State for land lying between the Nueces and Rio Grande rivers; to adjust and settle the rights of the State and the owners or claimants thereof, respectively, of such lands, and if found valid to confirm, as against the State, the right and title of such claimants or owners and patent the same or the recovery thereof by the State."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN THE SENATE.

The Chair here had read, and referred the foregoing House bills as follows:

House bill No. 49, to Committee on Public Lands and Land Office.

House bill No. 86, to Committee on Finance.

House bill No. 309, to Judiciary Committee No. 1.

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 447, being a bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county, and to prescribe the time for holding the same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 413, being a bill to be entitled "An Act to reorganize the Fourth Judicial District of Texas, and to designate the counties which compose the same, and to transfer the county of Gregg from the Seventh Judicial District of Texas to the Fourth Judicial District; to prescribe the time for holding the district court therein; to validate all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said court, as hereafter fixed by law, and to make same returnable to the terms of said court as fixed by this act; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 243, being a bill to be entitled "An Act to restore to and confer upon the county courts of Coke and Kimbell counties the civil and criminal jurisdiction heretofore belonging to said

courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as it relates to Coke and Kimball counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 237, being a bill to be entitled "An Act to reorganize the Forty-first Judicial District of Texas; to prescribe the time of holding the district court therein; to make the terms of the Thirty-fourth Judicial District, in El Paso county, to conform thereto; to provide for a district attorney for the Forty-first Judicial District in said El Paso county; and to provide for a clerk of the district court of the Forty-first Judicial District in said El Paso county; and empowering the district court of the Thirty-fourth Judicial District to empanel a grand jury for said county; and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 238, being a bill to be entitled "An Act to amend Section 4 of the act of the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, relating to the selection of the trustees in independent school districts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

## FIRST EXECUTIVE MESSAGE.

The following first executive message was delivered, and the Chair laid the same before the Senate:

*To the Senate and House of Representatives:*

I herewith transmit a communication addressed to me by the Railroad Commission of the State, to which the attention of the Legislature is invited.

There is no question but that the office of the Attorney General is now burdened with so many and so important duties that the force allowed it by law is altogether too small for the prompt and satisfactory dispatch of the business that devolves upon it. The efficiency of the Railroad Commission requires that it should have the best legal assistance always at its command. Under the circumstances it is believed that it would be wise for the Legislature to provide for another Assistant Attorney General, to be assigned exclusively to the Railroad Commission, with a salary commensurate to the importance of his duties.

JOSEPH D. SAYERS,  
Governor.

(Copy.)

Austin, Texas, February 28, 1901.

*Gov. J. D. Sayers, Executive Office.*

DEAR SIR: This Commission feels it to be its duty to call your attention to the fact that the office of the Attorney-General is so crowded with business, and has been for a long time, that the applications of this Commission to that office to bring and defend suits cannot be attended to within any reasonable time. Some of our requests to that office have remained unacted upon for more than two years; and suits which require its attention cannot receive the necessary attention, and we respectfully suggest that an Assistant Attorney-General should be appointed, who should be charged specially with the duty of investigating and prosecuting and defending cases submitted to that office by this Commission. And the class of litigation growing out of our legislation and the action of the Railroad Commission involves so much to the people of Texas that, if such an appointment shall be deemed necessary, the law should provide for him a salary which would command the services of a first-class lawyer.

We want it distinctly understood that we attach no blame to that office because of such delay. It is simply overwhelmed

with duties too numerous for its force to properly discharge.

Very respectfully,  
(Signed) JOHN H. REAGAN,  
Chairman.

The foregoing message and communication was referred to Committee on Internal Improvements.

SUBSTITUTE HOUSE BILL NO. 11—  
PENDING BUSINESS—ON  
ENGROSSMENT.

The Senate here resumed consideration of pending business.

Substitute House bill No. 11, A bill to be entitled "An Act to amend Articles 379 and 381, Chapter 3, Title XI, of the Penal Code of the State of Texas."

The bill having been read second time, the Chair laid it before the Senate, on its passage to engrossment, and

Senator Savage offered the following amendment:

"Amend by adding after the word 'family,' in line 6, page 2, the following: 'Provided, that the provisions of this act shall not apply to such games as euchre, high five and whist when played in a private residence occupied by a family.'"

Amendment was read, and

Senator Hanger moved to table same.

Motion to table was lost by the following vote:

Yeas—9.

Beaty.	Harris of Bexar.
Davidson of	Odell.
DeWitt.	Paulus.
Goss.	Swann.
Hanger.	Turner.

Nays—18.

Davidson of	Patterson.
Galveston.	Potter.
Dibrell.	Savage.
Harris of Hunt.	Sebastian.
James.	Stafford.
Johnson.	Staples.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Absent.

McGee. Turney.

Absent—Excused.

Grinnan.

Senator Hanger moved to postpone the bill and pending amendment until Friday, March 8, after the conclusion of the morning call, and that it be made a special order for that hour.



# SUBSTITUTE HOUSE BILL NO. 11— MOTION TO RECONSIDER COM- MITTEE AMENDMENTS.

Pending action on the foregoing motion, same was withdrawn, and

Senator Harris of Bexar moved that the vote by which the Senate on yesterday refused to adopt the committee amendment to the pending bill be reconsidered, and requested same spread upon the Journal.

Senator Savage withdrew his pending amendment, and called up the motion of Senator Harris of Bexar to reconsider.

Question recurring on the motion to reconsider, the same prevailed.

Question then recurring on committee amendments, the same were adopted, as follows:

"Amend by inserting between the words 'cards' and 'he,' in Article 379, the following: 'Except in a private residence.'"

Bill was then passed to a third reading.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Neal.	Yett.
Odell.	

Nays—1.

Davidson of  
DeWitt.

Absent.

Goss. Turner.  
McGee.

Absent—Excused.

Grinnan.

Bill was read third time, and

# SUBSTITUTE HOUSE BILL NO. 11— MOTION TO RECOMMIT LOST.

Senator Davidson of DeWitt moved to recommit Substitute House bill No. 11 to Judiciary Committee No. 2.

Motion to recommit was lost, and

Senators Wheeler and Potter offered the following amendment:

"Amend the bill by adding after the words 'private residence,' in Article 379, the words 'occupied by a family, and the provisions of this act that permits gaming in a private residence shall not apply in case such residence is one commonly resorted to for the purpose of gaming.'"

# MOTION TO ADJOURN LOST.

Pending action on the foregoing amendment, Senator Miller moved that the Senate stand adjourned until 3 o'clock p. m.

Motion to adjourn was lost.

# SUBSTITUTE HOUSE BILL NO. 11— ACTION ON PENDING AMEND- MENT.

Action recurring on amendment offered by Senators Wheeler and Potter, the same was read and adopted by the following vote:

Yeas—19.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Goss.	Staples.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Odell.	

Nays—7.

Dibrell.	Stafford.
Hanger.	Swann.
Harris of Bexar.	Turney.
Miller.	

Absent.

Johnson.	Neal.
McGee.	Turner.

Absent—Excused.

Grinnan.

# MOTION TO RECESS LOST.

Senator Miller moved that the Senate recess until 3 o'clock p. m.

Motion to recess was lost.

# HOUSE BILL NO. 413—MOTION TO TAKE UP LOST.

Action recurring on the final passage of Substitute House bill No. 11, Senator Hanger moved to suspend pending business and take up out of its order House bill No. 413 (see first House message above).

Motion to suspend pending business was lost.

SUBSTITUTE HOUSE BILL NO. 11—  
PASSED.

Action recurring on Substitute House bill No. 11, pending business, the same was passed, and

Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed by the following vote:

Yeas—17.

Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Harris of Hunt.	Staples.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Odell.	Wilson.
Patterson.	Yett.

Nays—9.

Beaty.	Harris of Bexar.
Davidson of	Miller.
DeWitt.	Paulus.
Dibrell.	Stafford.
Hanger.	Swann.

Absent.

Johnson.	Neal.
McGee.	Turner.

Absent—Excused.

Grinnan.

SENATE JOINT RESOLUTIONS NOS.  
3 AND 10—SIGNED.

The Chair here gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate Joint Resolution No. 3, Amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax.

Also Senate Joint Resolution No. 10, Designating buffalo clover as the State flower.

SENATE BILL NO. 13—RESET FOR  
MARCH 8.

On motion of Senator Harris of Bexar, Senate bill No. 13, A bill to be entitled "An Act to define the character and quality of possession of real property which is sufficient to operate as constructive notice of the possessor's right or title thereto,"

Set for special order for this day, was reset as special order after the morning call Friday, March 8.

HOUSE BILL NO. 413—ON SECOND  
READING.

On motion of Senator Stafford, the regular order,

Senate bill No. 152, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem, occupation and poll taxes collected upon property and from persons in said city for a period of fifteen years, and to provide a penalty for their misapplication,"

Was suspended, and the Senate took up out of its order, House bill No. 413 (see first House message for caption), and

On further motion of Senator Stafford, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering House bill No. 413, and

On further motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days, for the purpose of taking up House bill No. 413, on its second reading, was suspended by the following vote:

Yeas—27.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Sebastian.
Dibrell.	Savage.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Johnson.	Turner.
McGee.	

Absent—Excused.

Grinnan.

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was further suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

## Absent.

Johnson.	Potter.
McGee.	Turner.

## Absent—Excused.

Grinnan.

Bill was read third time, and passed by the following vote:

## Yeas—27.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

## Absent.

Johnson.	Turner.
McGee.	

## Absent—Excused.

Grinnan.

## HOUSE BILL NO. 447—ON SECOND READING.

On motion of Senator Stafford, the regular order of business (Senate bill No. 152) was suspended and the Senate took up, out of its order,

House bill No. 447 (see first House message above for caption).

## RECESS.

Pending further consideration of House bill No. 447, the Senate, at 12:45 o'clock p. m., recessed until 3 o'clock p. m.

## AFTER RECESS.

After recess, the Senate resumed consideration of House bill No. 447, and

On motion of Senator Stafford, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering House bill No. 447 (see first House message above for caption), and

On further motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days, for the purpose of taking up House bill No. 447, on its second reading, was suspended by the following vote:

## Yeas—24.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Odell.	

## Absent.

Davidson of	Neal.
Galveston.	Sebastian.
Dibrell.	Turner.
McGee.	

## Absent—Excused.

Grinnan.

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading, and

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Odell.	Yett.

## Absent.

Davidson of	McGee.
Galveston.	Neal.
Dibrell.	Turner.

## Absent—Excused.

Grinnan.

Bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Dibrell.	Turner.
McGee.	

Absent—Excused.

Grinnan.

#### SENATE BILL NO. 231—ON SECOND READING.

On motion of Senator Turney, the special order of business (Senate bill No. 152) was suspended and the Senate took up, out of its order,

Senate bill No. 231, A bill to be entitled "An Act to reorganize the Thirty-sixth and Thirty-eighth Judicial Districts of Texas, and to fix the time of holding the court therein."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Dibrell.	Turner.
McGee.	

Absent—Excused.

Grinnan.

Bill was read third time, and passed.

#### SENATE BILL NO. 237—ON SECOND READING.

On motion of Senator Turney, the special order of business (Senate bill No. 152) was suspended for the purpose of taking up

Senate bill No. 237, reported this day from committee (see committee reports above for caption), and

On further motion of Senator Turney, the Senate rule requiring committee reports to lay over one day was suspended for the purpose of considering Senate bill No. 237.

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent.

Dibrell.	Sebastian.
McGee.	Turner.

Absent—Excused.

Grinnan.

Bill was read third time, and passed.

#### SENATE BILL NO. 205—ON THIRD READING.

On motion of Senator Johnson, the special order of business (Senate bill No. 152) was suspended and the Senate took up, out of its order,

Senate bill No. 205, A bill to be entitled "An Act to establish and maintain kindergarten schools in cities, towns and villages incorporated under the laws of Texas."

The Chair then laid the bill before the Senate, on its third reading.

(Senator Potter in the chair.)

Bill was read third time, and passed.

SENATE JOINT RESOLUTION NO. 2—  
ON SECOND READING.

On motion of Senator Goss, the special order of business (Senate bill No. 152) was suspended and the Senate took up, out of its order,

Senate Joint Resolution No. 2, Providing for a convention to frame a Constitution for the State of Texas.

The Chair (Senator Potter) laid the resolution before the Senate, on its second reading, with majority favorable and minority unfavorable committee reports.

Senator Wheeler moved to substitute the unfavorable minority for the favorable majority committee report.

The affirmative not having received a majority of the votes cast,

Motion to substitute was lost by the following vote:

Yeas—13.

Harris of Hunt.	Sebastian.
James.	Stafford.
Johnson.	Swann.
Lloyd.	Wayland.
Potter.	Wheeler.
Savage.	Wilson.

Nays—13.

Beaty.	Lipscomb.
Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Paulus.
Galveston.	Staples.
Goss.	Turney.
Hanger.	Yett.
Harris of Bexar.	

Absent.

Dibrell.	Patterson.
McGee.	Turner.

Absent—Excused.

Grinnan.

Question recurred on the following pending amendment to the resolution offered by Senator Davidson of DeWitt:

"Amend the resolution by adding after Section 6 the following:

"Section 7. Before assuming the duties of office the delegates shall take the following oath: You do solemnly swear that you will support the Constitution of the United States, and that you will faithfully discharge your duty as delegate to this convention, for the purpose of revising and amending the Constitution of the State of Texas; and you further swear that you will incorporate

into the new Constitution now about to be recommended by you the following language: The homestead of a family shall be and is hereby protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase money thereof, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void; and you further swear that you will incorporate into the new Constitution, now about to be recommended by you, the following language: The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purpose of a home, or as a place to exercise the calling or business of the head of a family; provided, also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired; and you further swear that you will incorporate into the Constitution now about to be recommended by you the following language: Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes may provide

and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.'"

Pending action on the foregoing,

Senator Staples offered the following substitute for both the resolution and the amendment:

"Amend in line 8, page 1, by striking out all after the word 'Texas,' and insert in lieu thereof the following:

"Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be held at the several voting places throughout the State, on the first Saturday in June, 1902, an election to determine whether or not a constitutional convention shall be called. At such election those favoring a constitutional convention shall have written or printed on their ballots "For a Constitutional Convention," and those opposing shall have written or printed on their ballots "Against a Constitutional Convention."

"Sec. 2. The returns of said election, the counting of votes and the publication of the result shall be made in accordance with the rules and regulations prescribed by law, or as nearly so as practicable, for amending the present Constitution.

"Sec. 3. If a majority of all the votes cast at such election be for a constitutional convention, the Governor of Texas is directed to call a constitutional convention to assemble in the city of Austin on the first Tuesday in August, 1902.

"Sec. 4. On the day and date mentioned in Section 1 of this act, there shall be elected from each representative district in the State a delegate to a constitutional convention, who shall possess the qualifications now required of members of the House of Representatives, and each of said delegates shall receive as compensation \$300, and mileage at three cents a mile each way going to and returning from Austin. The distance to be determined by the Comptroller of Public Accounts. Provided, that if a majority of the votes cast at said election shall be against a constitutional convention, no one elected as a delegate shall be entitled to or shall receive any compensation whatever.

"Sec. 5. If a majority of the votes cast be in favor of a constitutional convention, when assembled shall organize and proceed under such rules and regulations as may be determined by a majority thereof. When the convention has concluded its work the Constitution prepared shall be reported to the Governor of the State, who shall issue a proclamation, submitting it to a vote of the whole

people at a general election to be held not less than sixty nor more than ninety days after the adjournment of the convention. At such election those favoring the adoption of the Constitution shall have written or printed on their ballots "For the New Constitution," and those opposed shall have written or printed on their ballots "Against the Constitution."

"Sec. 6. The returns of said election and the counting of the votes and the publication of the result shall be made in accordance with the law governing the manner of amending the Constitution.

"Sec. 7. The Governor of the State is directed to issue the necessary proclamation for the election provided in Section 1 of this act, and said proclamation shall be published in one weekly newspaper in every county in the State where there is a weekly newspaper published; provided, said newspaper will accept the same at a cost not to exceed fifty cents per square of one hundred words for one insertion, which shall be made at least two weeks prior to the election.

"Sec. 8. In the event a convention is called the proposed Constitution shall be published in at least two weekly newspapers in each county where there are such newspapers published; provided, no newspaper shall receive more than thirty cents per square of one hundred words of one insertion of the proposed Constitution, and that such publication shall be made at least thirty days prior to said election.

"Sec. 9. The sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any unappropriated public monies now in the State treasury to enable the Governor to carry out the provisions of this act, and to pay the mileage and salaries of the delegates to the constitutional convention; also to pay the contingent expenses and to pay the employes of said convention.

"Sec. 10. The present Constitution of Texas is inadequate for the needs of the people, and an imperative public necessity for a new Constitution creates an emergency which demands that the constitutional rule requiring bills to be read on three several days shall be suspended, and that this act take effect from and after its passage, and it is so enacted."

Pending action on the foregoing, further consideration of the resolution and pending amendment and substitute was, on motion of Senator Goss, postponed until March 14, and made a special or-

der after the conclusion of the morning call.

**SENATE BILL NO. 29 (INDUSTRIAL SCHOOL BILL)—RESET.**

On motion of Senator Miller, Senate bill No. 29 (industrial school bill), which had previously been made a special order for this day, was reset as a special order for Friday, March 8, after conclusion of morning call.

**SENATE BILL NO. 7—ON SECOND READING.**

On motion of Senator Miller, the special order of business (Senate bill No. 152) was suspended, and the Senate took up out of its order,

Senate bill No. 7, A bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust, or other lien, and to provide for the sale of land under execution, and for the appraisal of land sold under mortgage, deed of trust, execution or other lien."

The Chair (Senator Potter) laid the bill before the Senate, on its second reading.

Bill was read second time, and

On motion of Senator Miller, further consideration of the bill was postponed until March 12, and the bill was made a special order after conclusion of the morning call.

**SENATE BILL NO. 152—SPECIAL ORDER—RESET.**

On motion of Senator Davidson of Galveston, Senate bill No. 152, special order for this day, was reset as a special order for March 13, after conclusion of morning call.

**SENATE BILL NO. 124—ON SECOND READING.**

On motion of Senator Davidson of DeWitt, the special order of business (Senate bill No. 161), was suspended, and the Senate took up out of its order,

Senate bill No. 124, A bill to be entitled "An Act to provide for the protection of domestic animals, for the creation of a Livestock Sanitary Commission; to provide rules and regulations therefor; to provide penalties for violating the same; to make an appropriation to carry out the provisions of this act; to repeal Chapter 7, Title CII, of the Revised Statutes of 1895, relating to the Livestock Sanitary Commission, and further, to repeal all laws and parts of laws in conflict herewith."

The Chair (Senator Potter) laid the

bill before the Senate, on its second reading.

(President Pro Tem. Miller in the Chair.)

Bill was read second time, and ordered engrossed.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turney.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Absent.

Johnson.	Swann.
McGee.	Turner.
Patterson.	

Absent—Excused.

Grinnan.

Bill was read third time, and

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out the word 'spectators,' in line 14, page 11, of the bill and adding 'inspectors' instead of same."

Amendment was read, and adopted.

Bill as amended was then passed by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Sebastian.
Dibrell.	Stafford.
Goss.	Staples.
Hanger.	Turney.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wilson.
Lipscomb.	Yett.
Lloyd.	

Nays—3.

James.	Savage.
Potter.	

Present—Not voting.

Wheeler.

Absent.  
 Johnson. Swann.  
 McGee. Turner.  
 Patterson.

Absent—Excused.  
 Grinnan.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table. Motion to table prevailed.

#### SENATE BILL NO. 145—ON SECOND READING.

On motion of Senator Potter, the special order of business (Senate bill No. 161) was suspended and the Senate took up, out of its order,

Senate bill No. 145, A bill to be entitled "An Act to amend Article 290 of the Penal Code of the State of Texas; to further define 'barratry,' so as to include th fomenting of litigation by attorneys at law by soliciting employments or advancing money or other things of value to the parties to litigations in order to procure employment."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Potter offered the following amendment:

"Amend by adding Section 2:

"Section 2. The near approach of the end of the session and the large number of bills to be considered by the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is so suspended, and this act shall take effect from and after its passage, and it is so enacted."

Amendment was read, and adopted, and

Senator Potter offered the following amendment:

"Add at the end of Section 1 the following: 'And in addition to the penalty hereinbefore provided any attorney violating the provisions of this act shall forfeit his right to practice law in this State and shall not be permitted to so practice before any court in this State.'"

(Lieutenant-Governor Browning in the chair.)

#### HOUSE BILL NO. 413 AND HOUSE CONCURRENT RESOLUTION NO. 18—SIGNED.

Pending further consideration of Senate bill No. 145, the Chair here gave notice of signing, and did sign, in the

presence of the Senate, after their captions had been read:

House bill No. 413 (see first House message for caption).

House Concurrent Resolution No. 18, Providing for the printing and binding of the rules of the two bodies.

#### BILLS AND RESOLUTIONS.

By unanimous consent, the following were introduced:

By Senator Staples:

Senate bill No. 247, A bill to be entitled "An Act to create the office of State Mine, Factory and Boiler Inspector; to provide for appointment of inspector; fix term of office, duties thereof, and salary."

Read first time, and referred to Committee on Labor.

By Senator Paulus:

Senate bill No. 248, A bill to be entitled "An Act to create a more efficient road system for Colorado county, making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts on the public roads of said county; to authorize the commissioners court to enact reasonable rules, regulations and punishments necessary for the government, control and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor convict cases; providing for commutation of time of convicts as a reward for faithful service and good behavior; providing for a reward not to exceed ten dollars to be offered for the arrest and conviction of escaped county convicts, and taxing such reward and all actual costs necessarily incurred in the recapture and conviction of such convict against such convict; making it a penal offense for a county convict to escape from any person having him in charge for the county, and providing for a penalty for such escape; providing for the trimming of hedges by the owners of land adjoining public roads, and providing a penalty for failure to trim such hedges; providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers on the public roads; providing for the appointment of road overseers, and defining their powers and duties, and providing for penalties for persons fail-



ing to work the roads when warned, and for persons failing to do good work in the manner prescribed by the commissioners or road overseer; providing for the summoning of persons with teams, plows, scrapers and wagons to work in connection with the county's regularly organized road gang, or to repair roads in the precinct; providing for working convicts either upon the roads or the county farm, or partly upon both, in the discretion of the commissioners court; and providing for making such laws cumulative to the General Laws of the State, and in case of a conflict the special law is to apply to Colorado county, Texas."

Read first time, and referred to Committee on Counties and County Boundaries.

By Senator Lloyd:

Senate bill No. 249, A bill to be entitled "An Act to restore and confer upon the county court of Angelina county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws and parts of laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 1.

#### ADJOURNMENT.

On motion of Senator Davidson of DeWitt, the Senate, at 5 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow, leaving Senate bill No. 145 pending business.

#### THIRTY-FIFTH DAY.

Senate Chamber,  
Austin, Tex., Thursday, March 7, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—26.

Beaty.	James.
Davidson of	Johnson.
DeWitt.	Lloyd.
Davidson of	Miller.
Galveston.	Neal.
Dibrell.	Odell.
Goss.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.

Stafford.	Wayland.
Staples.	Wheeler.
Swann.	Wilson.
Turney.	Yett.

Absent—4.

Lipscomb.	Patterson.
McGee.	Turner.

Absent—Excused.

Grinnan.

Prayer by Dr. Gatlin, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

#### PETITIONS AND MEMORIALS.

Senator Wayland presented the following petition signed by fifty ladies of Bryan, Texas:

*To the Honorable Senate of Texas:*

Your petitioners, who are lady residents of the city of Bryan, respectfully request your honorable body to locate the proposed girls' industrial school at the Agricultural and Mechanical College, situated five miles east of Bryan, for the following reasons:

First. Coeducation now exists at the State University, at the State normal schools, and at every other school in Texas, conducted at public expense, except the A. and M. College. It also exists at the principal denominational colleges in this State. We know of no reason why it should not be provided for there that does not apply with greater force to any other school in Texas. The location is healthy; has the advantage of being isolated, away from the snares and temptations of city life, and of controlling the social and moral and religious influences that affect the daily life of the students.

Second. In the association of the sexes, under any condition, the impenetrable shield of honor is, after all, the strongest safeguard and surest protection to the young womanhood of Texas.

The character of the government and teaching of the A. and M. College imbues the hearts and minds of the cadets with that high sense of honor that reveres and respects woman at all times, and would surround her with greater security than ordinarily falls to her lot.

Some of us have been citizens of Bryan since the College was established, and all have had ample opportunity to know something of the discipline of the institution and to observe the deport-